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In re Application of  
BOULANGER *et al*  
U.S. Application No.: 09/856,710  
PCT No.: PCT/FR98/02563  
Int. Filing Date: 27 November 1998  
Priority Date: 27 November 1997  
Attorney Docket No.: 1721-30  
For: MEANS FOR GENERATING OPTICAL  
RADIATIONS TUNEABLE AT LEAST  
IN FREQUENCY

COMMUNICATION

This communication is in response to the papers filed on 16 January 2002.

### **BACKGROUND**

On 24 September 2001, a decision granting applicants' petition under 37 CFR 1.137(b) was mailed. The decision noted that the executed declaration submitted with the national stage papers on 25 May 2001 was illegible. Therefore, the declaration was deemed not in compliance with 37 CFR 1.497.

On 02 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements to applicants indicating that a surcharge fee of \$130.00 pursuant to 37 CFR 1.492(e) was required. Applicants were given two months to respond.

On 03 December 2001, applicants filed a "Response" claiming that the surcharge fee was previously charged from counsel's Deposit Account on 25 September 2001. However, a review of the financial records for the above-captioned application shows that a processing fee of \$130.00 for filing an English translation was charged on 25 September 2001, not a surcharge fee.

On 17 December 2001, the DO/EO/US mailed a Notification of Defective Response for failing to provide a declaration in compliance with 37 CFR 1.497 (a) and (b) and a surcharge fee of \$130.00 pursuant to 37 CFR 1.492(e).

On 16 January 2002, applicants submitted another "Response" which was accompanied by the \$130.00 surcharge fee, a copy of an unexecuted declaration along with another copy of the illegible declaration previously submitted on 25 May 2001.

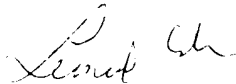
DISCUSSION

The response mailed 16 January 2001 was inadequate.

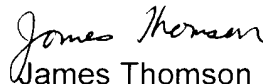
The unexecuted declaration does not comply with 37 CFR 1.497. The declaration previously submitted with the national stage papers also does not comply with 37 CFR 1.497 because it is illegible.

Applicants must provide an executed declaration in compliance with 37 CFR 1.497(a) and (b) within the time limit remaining in the Notification of Missing Requirements mailed 02 October 2001. Failure to provide an acceptable response within the time limit remaining will result in the abandonment of the above-captioned application.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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